

United States District Court

Eastern District of California

Kendall Cooke,

Plaintiff,

No. Civ. S 05-0684 LKK PAN P

vs.

Order

D. L. Runnels, et al.,

Defendants.

-oOo-

October 6, 2005, plaintiff filed a notice of dismissal.

Since defendants have neither answered the complaint nor moved for summary judgment, the Clerk of the Court is directed to enter plaintiff's dismissal without prejudice. Fed. R. Civ. P. 41(a)(1).

So ordered.

Dated: November 22, 2005.

/s/ Peter A. Nowinski

PETER A. NOWINSKI  
Magistrate Judge